

North Santa Clara Resource Conservation District (NSCRCD)

Bidding Policy

I. GENERAL PROVISIONS

Governance. The Board of Directors (“Board”) for the North Santa Clara Resource Conservation District (“District”) consists of five members (“Director”) of the Board. As the governing body of the District, the Board reviews and approves District policies. ~~The Board may choose to delegate responsibility for policy administration to the District’s Executive Director (“ED”), including but not limited to the development of procedures and internal controls to implement the policy.~~ The Board has delegated to the District Manager (“DM”) the authority to conduct the District’s day-to-day business. Acting under this delegation, the DM is responsible for establishing administrative and operating procedures, ensuring that the District functions efficiently and effectively, and implementing the policies and direction set by the Board.

Commented [SM1]: Amended to match the updated standard language used in the recently adopted District Director Policy.

Purpose of the Policy. The District performs restoration and conservation activities intended to demonstrate and implement conservation practices which support ecological integrity. The District performs such activities in a variety of ways such as in-house and/or through partnering with local, state and federal agencies and non-profit organizations. The District may choose to contract with outside service providers and construction contractors (“Contractor”) to provide education, outreach, studies, construction and other professional services. The bidding policy was developed and adopted to ensure District compliance with applicable laws and regulations, and to provide transparency and accountability to the constituents of the District.

Policy Revisions. The Board reviews District policies ~~annually for compliance with applicable laws and regulations, as recommended by the DM.~~ Any Director or the ~~ED~~ DM may make recommendations for changes to a policy at any time, but all policy changes require approval by the Board.

Commented [SM2]: Amended to match the updated standard language used in the the recently adopted District Director Policy.

Contractor List. The District shall maintain, and periodically update, a list of competent and qualified contractors, identified according to categories of work, that have notified the District of their interest in receiving notice for services and projects (“Contractor List”).

Statement of Non-Discrimination. The District conducts its business on a non-discriminatory basis, without regard to race, creed, color, national origin, ~~caste,~~ ancestry, sexual orientation, political affiliation or beliefs, sex, age, physical handicap, medical condition, marital status or pregnancy (as those terms are defined by the California Fair Employment and Housing Act -- Government Code Section 12900-12996). ~~Additionally, the Board has adopted a Statement of Diversity and Inclusion to ensure diversity and~~

Commented [SM3]: Amended to match the updated standard language used in the the recently adopted District Director Policy.

environmental justice are key components of the District's strategic planning and programmatic work.

II. BIDDING PROCESS

Professional Services. Contracts for professional, technical, environmental, engineering, scientific, legal, accounting, grant administration, or similar services may be procured through a Request for Qualifications (RFQ), Request for Proposals (RFP), a qualifications-based selection process, or other method authorized by law. Selection may be based upon qualifications, experience, project approach, and costs, as determined by the District to be in its best interest.

Commented [SM4]: Added to clarify existing process for non-construction projects.

District Contracts Valued at Less than \$50,000.00. The District may invite bids for expenditures not expected to exceed \$50,000 at the discretion of the ~~Executive Director~~DM or at the request of the Board of Directors. Staff members shall obtain competitive cost information and consider qualifications of contractors providing services, whenever reasonably feasible, for any District purchase even though formal bids are not required for goods or services costing \$50,000 or less.

District Contracts Valued Over \$50,000.00. When any expenditure is expected to exceed \$50,000, the District shall invite bids a minimum of one week prior to the time of receiving bids. Distribution may include digital distribution networks, the District web site, a general circulation newspaper, or other means deemed appropriate. This type of formal bidding process typically includes the issuance of written plans or specifications describing the goods or services to be provided and the receipt of written bids from the vendors involved. Solicitation of formal bids from a minimum of three vendors is required. As indicated in Section III below, selection of vendors may be based on a variety of criteria and may include but is not limited to the lowest cost bidder. The Board will award its contract to the contractor it believes is best suited to the goals of the project, and the decision will be made in a public forum. The District may reject any and all proposals received.

III. EXCEPTIONS ~~TO STANDARD BIDDING PROCEDURES~~ AND ALTERNATIVE PROCUREMENT METHODS

Alternative Project Delivery Methods. Notwithstanding any other provision of this Policy, the District may utilize design-build, progressive design-build, or other alternative project delivery methods authorized by California law. Any procurement utilizing such methods shall be conducted in accordance with applicable provisions of the California Public Contract Code and other governing laws and regulations. Where authorized by law, contracts procured through alternative project delivery methods may be awarded on the basis of best value or other evaluation criteria authorized by statute.

Commented [SM5]: We will be using design-build for the Los Gatos Creek Fish Passage Project, and at least one State agency has indicated it must be referenced in the bidding policy per their grant guidelines.

Contracts Requiring Special Skills. In the event that there is a project that requires special skills, the ~~ED~~DM shall search for a potential contractor that has a demonstrated history of

successfully completing the specialized work that is required. A contract may be negotiated that falls within the budgeted amount for the work required. The Board will approve the selection, which will meet the goals of the project to be undertaken. The District Board of Directors has the right to reject any and all bid proposals.

Limited Availability/Sole Source. Occasionally, necessary supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a required and specific design or construction, or are specifically necessary for purposes of maintaining cost effective system consistency, so as to be available from only one source. After reasonable efforts to find alternative suppliers, the District may dispense with the requirement of competitive bids and recommend negotiating and making the purchase from the sole source. The basis for the sole source recommendation shall be documented in writing and approved by the Board at the time of approval of the purchase for purchases exceeding \$50,000.

Landowner Sub Grant Agreements. [Certain services provided by the District may require the execution of a landowner agreement to 1\) allow the District to access property to provide services; 2\) reimburse an agricultural producer or landowner for authorized conservation practice expenses; and/or 3\) to provide an enforcement mechanism for terms required by a third-party grant agreement in which resources are provided to the landowner. The DM is authorized to execute these agreements when funding has been allocated in the budget and the agreement does not commit the District to action other than for the provision of conservation services. Agreements requiring new allocation of District funding and/or other commitments on the part of the District shall require approval of the Board.](#)

~~A Landowner Sub Grant (“LSG”) is an award of resource assistance to a property owner (“Landowner”) to promote a program or goal of the District and is a binding agreement between the District and the Landowner. Entering into LSG agreements allows the District to reimburse a Landowner for specific project related expenses taken on by him/her that achieves an identified District goal. LSG agreements are at the discretion of the Board and must meet following requirements:~~

- ~~• Work is to be performed on property that is under single, private ownership.~~
- ~~• The proposed project is not complex, involves low risk activities, and is valued at under \$20,000.00.~~
- ~~• The landowner is financially capable of doing the work.~~
- ~~• The landowner has demonstrated applicable expertise through previous work.~~
- ~~• There is educational, outreach or significant value in landowner involvement.~~
- ~~• Minimal permitting is required.~~
- ~~• The landowner is a licensed contractor or ensures subcontractors are licensed and insured.~~
- ~~• The terms of the grant allows for this type of sub grant.~~
- ~~• There is minimal public controversy over the project.~~

~~Under an LSG agreement, Landowners may perform specific work themselves. If a Landowner wishes to perform the work himself/herself, the Landowner shall submit a binding cost estimate for the proposed work including materials, supplies and labor. If the landowner wishes to secure the services of a contractor, the Landowner shall require~~

Commented [SM6]: Updated to enhance District's ability to provide conservation resource assistance to agricultural producers and other landowners/leaseholders. Newly awarded Cannabis Habitat Restoration Agreement is an example of a landowner agreement that operates differently than set forth in current policy.

~~the contractor to submit a cost estimate for the proposed work, including materials, supplies and labor. In either case, the ED shall review the cost estimate and may remove the project from the Landowner if the cost estimate is unacceptable to the District. If the District removes the project, then the District shall solicit a contractor to perform the work.~~

IV. ADDITIONAL PROVISIONS

Project Requirements. Minimum qualifications, insurance, bonding, and other requirements shall be set forth as appropriate for each project in the solicitation notice or RFP and included in the final contract.

Prevailing Wage. The provisions of Labor Code, Division 2, Part 7, Chapter 1 of the California Labor Code, with respect to wages (regular or prevailing), hours, discrimination and worker’s compensation benefits shall be applicable to all construction contracts entered into by this District, and contractors and proposed contractors are expected to familiarize themselves with these provisions.

Grant Bid Requirements. The procedures outlined are subject to any bid requirements of grant funding source.

Landowner Consent. Projects will only be performed with the written consent of the owners of the project site.

V. EMERGENCY CONDITIONS AND EMERGENCY REPAIRS

In the event of a determination of emergency conditions by the Board, the provisions herein shall not apply. The District shall proceed as outlined in Public Contract Section 22050, with the exception that this process may also be used for emergency repairs to previously publically funded projects.

Policy ~~Change~~-Log:

Date	Action
05/11/2015	Board adopted policy.
03/14/2019	Board amended policy.
11/19/2020	Board amended policy.
07/20/2023	The Executive Director updated the policy to reflect the District’s name change from Guadalupe-Coyote RCD to North Santa Clara RCD.
06/11/2026	Board amended policy to update standard language; codify professional services and alternative procurement methods; and update language related to enhance District’s ability to provide conservation resource assistance to landowners and leaseholders.

